

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Advanced Methods to Target and Eliminate	)	CG Docket No. 17-59
Unlawful Robocalls	)	
	)	

**REPLY COMMENTS OF USTELECOM – THE BROADBAND ASSOCIATION**

USTelecom – The Broadband Association (“USTelecom”)<sup>1</sup> hereby replies to comments in response to the Federal Communications Commission’s (“Commission’s”) Sixth Further Notice of Proposed Rulemaking in the above-referenced docket (“*Further Notice*”) regarding the best long-term approach to immediate notification of blocking.<sup>2</sup>

**I. THE RECORD DEMONSTRATES THE NEED FOR A FULLY STANDARDIZED AND OPERATIONALIZED SOLUTION**

Although they debate the relative merits of SIP Code 603 compared to SIP Codes 607/608, commenters universally recognize the criticality of a standardized, industry-wide approach that will work end-to-end without creating new issues. Indeed, the experience that INCOMPAS and the Cloud Communications Alliance (“CCA”) describe regarding SIP Code

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<sup>1</sup> USTelecom is the premier trade association representing service providers and suppliers for the communications industry. USTelecom members provide a full array of services, including broadband, voice, data, and video over wireline and wireless networks. Its diverse membership ranges from international publicly traded corporations to local and regional companies and cooperatives, serving consumers and businesses in every corner of the country. USTelecom leads the Industry Traceback Group (“ITG”), a collaborative effort of companies across the wireline, wireless, VoIP and cable industries actively working to trace and identify the source of illegal robocalls. The ITG was first designated by the Commission as the official U.S. robocall traceback consortium in July 2020.

<sup>2</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls – Petition for Reconsideration and Request for Clarification of USTelecom – The Broadband Association*, CG Docket No. 17-59, Order on Reconsideration, Sixth Further Notice of Proposed Rulemaking, and Waiver Order, FCC 21-126 (rel. Dec. 14, 2021) (“*Recon. Order*” when referring to the Order on Reconsideration and “*Further Notice*” when referring to the Sixth Further Notice of Proposed Rulemaking).

603 underscores the need for the Commission to afford the industry the time necessary to fully standardize and operationalize the approach to notification. As INCOMPAS and CCA observe, the voice telephone network, fundamentally, is an “interconnected system of carriers[.]”<sup>3</sup> All providers in the path of a transmission, including those handling a SIP Code response message, must react in a consistent – or at least not conflicting – manner for that interconnected network to function properly. INCOMPAS and CCA indicate that has not been all providers’ experience so far with SIP Code response messages for blocking, stating that “terminating voice service providers that are sending SIP Code 603 in response to blocked calls have been frustrated by the number of automatic retries that are being resent by originating and intermediate providers.”<sup>4</sup>

According to INCOMPAS and CCA, this issue is one that “the industry as a whole may not have foreseen[.]”<sup>5</sup> They chalk this “turmoil” up to the notion that “there is not enough standardized information readily available for the provider to determine that a call has been blocked based on any analytical concern over illegal robocalls[.]”<sup>6</sup> But it is well understood within the service provider community that SIP Code 603 is, as the Voice on the Net Coalition (“VON”) recognizes, “a general ‘kill’ code”<sup>7</sup> that should not be retried.<sup>8</sup>

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<sup>3</sup> Comments of INCOMPAS and the Cloud Communications Alliance, CG Docket No. 17-59, at 6 (filed Jan. 31, 2022) (“INCOMPAS/CCA Comments”).

<sup>4</sup> *Id.* INCOMPAS and CCA do not definitively identify the source of the issue and why they believe that the retry issue is due to service providers retrying codes, as opposed to call originators themselves choosing to retry calls, which no service provider along the call path can control.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Comments of the Voice on the Net Coalition, CG Docket No. 17-59, at 1 (filed Jan. 31, 2022) (“VON Comments”).

<sup>8</sup> Importantly, only a small fraction of calls blocked by providers and/or their analytics providers are, in fact, from legitimate callers. Therefore, the vast majority of calls being retried likely were from illegal robocallers.

In any event, the implication that SIP Codes 607 and 608 would solve such issues is erroneous.<sup>9</sup> While the “industry as a whole may not have foreseen” whatever issue INCOMPAS and CCA members have faced, it is reasonably foreseeable that rushing the processes to standardize and deploy changes in interconnected yet diverse networks and systems can and will lead to unexpected complications. To that end, contrary to the claim that the introduction of additional SIP Code messages will reduce retries and other unintended problems, logic suggests infusing new variables will create new risks, such as the unintended perpetuation of retries. SIP Codes 607 and 608 are not and have never been fully standardized and operationalized, a fact which 607/608 proponents finally acknowledge.<sup>10</sup> The need to update and upgrade countless equipment and systems across providers and their networks in order to deploy SIP Codes 607/608 makes it *more* likely that there will be unintended consequences, whether that is inappropriate retries or some new cause of concern, particularly if the standardization and implementation processes are rushed due to an arbitrary deadline.<sup>11</sup>

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<sup>9</sup> See INCOMPAS/CCA Comments at 6 (“[I]t is reasonably easy to see the benefits of moving to a system that exclusively uses response codes designed for blocking illegal robocalls. The use of codes 607 and 608, rather than 603, in the long term is the appropriate solution to this problem.”).

<sup>10</sup> See, e.g., VON Comments at 5 (requesting that the Commission encourage the relevant standard-settings bodies to accelerate efforts to operationalize SIP Codes 607 and 608); INCOMPAS/CCA Comments at 3-4 (encouraging the Commission to determine the status of the standardization of SIP Codes 607 and 608 and then set a firm deadline for standardization); Comments of the National Opinion Research Center, CG Docket No. 17-59, at 2 (filed Jan. 31, 2022) (“NORC Comments”) (“NORC understands that currently SIP Codes 607 and 608 are not ready for full implementation”).

<sup>11</sup> VON, for instance, now encourages the Commission to “establish a deadline of December 31, 2022, at the latest, for finalizing standards for SIP Codes 607 and 608 and phasing out SIP Code 603 when used for immediate blocking notification.” VON Comments at 5. VON’s discussion does not make clear whether VON believes that SIP Codes 607 and 608 should be standardized *and* deployed by December 31, or just standardized to then be phased in thereafter. Regardless, as with prior suggestions for a six-month extension, see, e.g., Opposition of Voice on the Net Coalition, CG Docket No. 17-59, at 2 (filed Nov 3, 2021), VON fails to offer any explanation whatsoever of why the December 31 timeline would be anything other than arbitrary.

Moreover, even after the Commission’s latest directive and explicit clarification, the record demonstrates continued confusion among 607/608 proponents regarding the Commission’s expectations of those response codes.<sup>12</sup> These conflicting understandings and expectations across stakeholders can result in inconsistent implementation. They also risk ultimate disappointment if they do not meet an unrealized ideal of some stakeholders, even if consistent with the Commission’s express instruction. The industry may be able to address these types of issues through standards processes, but they represent just some of the “risks and unresolved questions” that the IP-NNI Task Force working through such questions “has only just begun to identify[.]”<sup>13</sup> USTelecom agrees with NCTA that such questions “must be addressed prior to mandatory implementation of SIP Codes 607 and 608” to avoid further unintended consequences.<sup>14</sup>

## **II. THE RECORD CONFIRMS THAT SIP CODE 603 PRESENTS A VIABLE APPROACH TO MEET CALLERS’ NEEDS**

USTelecom has repeatedly explained that SIP Code 603 presents the best and most pragmatic solution to provide callers with actionable information as ubiquitous use of 603 response messages for analytics-based blocking will clearly identify patterns associated with such blocking.<sup>15</sup> Others in the record agree. NCTA explains that “SIP Code 603 is sufficient for high-volume callers, who are the most likely to benefit from immediate notification, to determine

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<sup>12</sup> See *infra* notes 25-34 and accompanying text.

<sup>13</sup> Comments of NCTA – The Internet & Television Association, CG Docket No. 17-59, at 2 (filed Jan. 31, 2022) (“NCTA Comments”).

<sup>14</sup> *Id.*; see also Comments of Transaction Network Services, Inc., CG Docket No. 17-59, at 2 (filed Jan. 31, 2022) (“TNS Comments”) (Commission should not rush implementation of SIP Codes 607 and 608).

<sup>15</sup> See, e.g., USTelecom Comments at 2.

whether there is an analytics-based blocking they may need to address.”<sup>16</sup> Transaction Network Services (“TNS”) likewise observes that “[r]egardless of the code used, the call originator will receive notice that its call was blocked at the terminating end.”<sup>17</sup> Once a call originator knows its call was blocked, it has sufficient information to seek redress as appropriate.<sup>18</sup> While true that SIP Code 603 requires some analysis by callers, NCTA correctly observes that they “would likely need to undertake such analyses even if SIP Codes 607 and 608 were the only codes permitted to be returned by a terminating voice provider with an IP network in the event of call blocking.”<sup>19</sup> In other codes, SIP Codes 607 and 608 in actual practice will not necessarily free callers from the work that responsible high-volume calling requires, including analyzing and investigating those calls that do not get through.

Nonetheless, some SIP Code 607/608 proponents continue to assert the pragmatic choice of SIP Code 603 is an insufficient substitute for the still-theoretical ideal of SIP Codes 607 and 608. Taking an everything but the kitchen sink approach, one proponent states that continued reliance on SIP Code 603 will reduce the benefits of STIR/SHAKEN.<sup>20</sup> But in reality, STIR/SHAKEN should reduce the number of blocking false positives and thus the need for and import of notification in the first instance. A separate proponent reiterates the experience of one

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<sup>16</sup> NCTA Comments at 3.

<sup>17</sup> TNS Comments at 5.

<sup>18</sup> *See, e.g., id.* at 4 n.10 (noting that it is not difficult to determine the voice service provider to which particular telephone numbers are assigned, which helps to identify the service provider to contact with redress concerns and that call originators can seed outbound calls with known test numbers from multiple carriers to identify when particular voice service providers are blocking calls).

<sup>19</sup> NCTA Comments at 4.

<sup>20</sup> VON Comments at 2.

caller that received a large number of SIP 603 response codes in an hour.<sup>21</sup> But as USTelecom previously explained, context is critical and in context, SIP Code 603 responses can help callers and their service providers identify an issue.<sup>22</sup> Spikes in the rate of SIP Code 603 responses for a given calling number, rather than across different calling numbers, will be indicative of analytics-based blocking in most instances.<sup>23</sup> Further, the additional data available to high-volume callers based on ubiquitous use of SIP Code 603 responses will prove to allow them to more easily distinguish between patterns of analytics-based blocking and other ad hoc 603 responses.<sup>24</sup>

Just as critically, SIP Code 607/608 proponents continue to base their support of those codes on an incorrect understanding of them as well as the Commission’s requirement. They support SIP Codes 607 and 608 because the pair of response messages supposedly would help them learn precisely why calls were blocked, whether by the user or by analytics.<sup>25</sup> The Professional Association for Customer Engagement, for instance, suggests that the two codes “provide a level of detail superior to that of Code 603,” noting that “a more particularized SIP Code (i.e., 607 or 608) will give a caller a running-start in remedying the situation.”<sup>26</sup> VON states similarly that “[t]he Commission correctly identified a need for two separate SIP Codes

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<sup>21</sup> Comments of the American Bankers Association *et al.*, CG Docket No. 17-59, at 7 (filed Jan. 31, 2022) (“ABA *et al.* Comments”).

<sup>22</sup> Written Ex Parte of USTelecom – The Broadband Association, CG Docket No. 17-59, at 2 (filed Oct. 7, 2021).

<sup>23</sup> *See id.* at 3.

<sup>24</sup> *See id.*

<sup>25</sup> *Cf.* TNS Comments at 4-5 (“The call originators’ arguments against Code 603 appear to be based solely on the notion that 607 and 608 in theory provide more information as to why a call was blocked – i.e., by the user or by the network.”).

<sup>26</sup> Comments of the Professional Association for Customer Engagement, CG Docket No. 17-59, at 3 (filed Jan. 28, 2022).

(607 and 608)” as “[r]eturning SIP Codes 607 and 608 allows the originating provider to understand where in the chain (via immediate notifications) and how (via the end-user or analytics engine calls are blocked....”<sup>27</sup> American Bankers Association (“ABA”) *et al.* also suggest that SIP Codes 607 and 608 are superior to SIP Code 603 because they “are specifically designed to address end-user blocking of unwanted calls or blocking in the network-based on reasonable analytics.”<sup>28</sup> Therefore, in their view, a modified SIP Code 603 “would be inferior to a finalized version of SIP Codes 607 and 608.”<sup>29</sup> The National Opinion Research Center conclusively states that SIP Codes 607 and 608 are “plainly superior,” ostensibly because they together would identify “whether the call was declined by a specific carrier’s blocking analytics or by the potential call recipient.”<sup>30</sup> And INCOMPAS and CCA repeatedly tout SIP Code 607 and call for its implementation without ever clearly explaining what implementation would require or what that particular code would offer call originators in terms of redress.<sup>31</sup>

Despite these assertions, SIP Code 607 *never* was intended to be returned along the entire call path in order to inform the caller about user-based blocking, which would raise significant privacy concerns that still are completely unaddressed.<sup>32</sup> Moreover, the Commission has made explicit that its notification mandate does *not* extend to any user-initiated blocking in light of the

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<sup>27</sup> VON Comments at 2; *see also id.* (“When the terminating carrier returns a SIP Code 607, the originating provider knows that the called party blocked the calling number.”).

<sup>28</sup> ABA *et al.* Comments at 11.

<sup>29</sup> *Id.* at 8.

<sup>30</sup> NORC Comments at 2, 4.

<sup>31</sup> *See generally* INCOMPAS/CCA Comments.

<sup>32</sup> *See, e.g.,* Reply Comments of USTelecom, CG Docket No. 17-59, at 6, 10-12 (filed June 14, 2021).

potential for harm and inability for callers to seek redress from providers.<sup>33</sup> Accordingly, SIP Code 607/608 proponents advocate for an approach that neither is consistent with the underlying SIP Code 607 documentation nor the Commission’s latest directive.

While USTelecom and its members continue to believe SIP Code 603, without modification, can meet callers’ needs, the industry is actively exploring whether SIP Code 603 can and should be modified to better do so in a more streamlined fashion than can be achieved through SIP Codes 607 and 608. While some commenters express concern that not all voice service providers will implement enhancements to SIP Code 603 in the same manner,<sup>34</sup> USTelecom members are exploring just that – a uniform, industry-wide, standardized and enhanced approach to SIP Code 603 messages that would clearly indicate that a given call was blocked and potentially by whom. To be clear, a modification to SIP Code 603 would require standards work, as well as significant development by individual providers and their vendors. But it is incorrect that such efforts would take the same or more time than operationalizing and deploying SIP Codes 607/608.<sup>35</sup>

To that end, ABA *et al.* cite the potential need to upgrade session border controllers (“SBCs”) to accept an enhanced SIP Code 603, suggesting that they may not currently be

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<sup>33</sup> *Recon. Order* ¶ 23 (confirming that “immediate notification to callers is necessary only for calls blocked pursuant to any analytics program”); *id.* ¶ 26 (finding “no reason to expand such requirements to situations where the caller cannot obtain effective redress from the voice service provider”).

<sup>34</sup> ABA *et al.* Comments at 8 (“It has been suggested that SIP Code 603 could be enhanced by inserting additional or different information in its header fields, including information that ... indicates network-level blocking. But not all Voice Service Providers have committed to undertake efforts to enhance SIP Code 603 in this way.”); VON Comments at 4 (“[S]uch solution would have minimal value. The information included with the response varies from carrier to carrier, including the language used.”).

<sup>35</sup> *See, e.g., id.* (“These modifications would require substantial work and likely consume at least as much time as finalizing and implementing SIP Codes 607 and 608.”)



equipped to read header fields.<sup>36</sup> While that is true for some SBCs, others are already configured to pass recognized response codes like SIP Code 603 in their entirety, without changing associated headers. Thus no upgrades would be required for those SBCs to pass an enhanced SIP Code 603, but upgrades would be required for SIP Codes 607 and 608. Moreover, upgrading SBCs to pass enhanced 603s would be substantially faster and less costly than the work needed to configure those same SBCs to pass brand new codes like 607 or 608.<sup>37</sup>

There are many other implementation steps that would take substantially less time for an enhanced 603 message than deploying the capability to transmit a 607 or 608 message. This includes the standardization process itself, where industry needs simply to align on standardized text for the reason header and other more straightforward changes, rather than creating new code profiles from whole cloth to operationalize them. In addition, providers can more quickly align and enter into agreements with their vendors to update 603 than the time it will take to newly configure and deploy 607 and/or 608. Then, by building on an existing code rather than deploying new ones, it will take vendors less time to develop the necessary software upgrades and service providers less time to test and approve it.

In the end, if SIP Code 603 can be modified to meet callers' needs in a more streamlined and less burdensome fashion than SIP Codes 607/608, it would be unreasonable for the Commission to mandate SIP Codes 607/608.<sup>38</sup> As TNS explains, "[i]f these discussions" about

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<sup>36</sup> *Id.*

<sup>37</sup> Many originating callers' equipment also may not be currently configured to accept SIP Codes 607 and 608, let alone providers' switches at interconnection points.

<sup>38</sup> *See* USTelecom Comments at 4.

modifying SIP Code 603 “prove fruitful, a SIP Code 603 response would provide the same level of information as SIP Code 608, without the added cost and complexity of that response.”<sup>39</sup>

### **III. CONCLUSION**

The experience described in the record of providers facing retries after sending SIP Code 603 response messages for analytics-based blocking is instructive. There can be unforeseen circumstances and challenges with any new technological deployment that is expected to work seamlessly across interconnected networks. Arbitrary deadlines and inconsistent and unclear expectations increase the likelihood of such challenges arising. To that end, SIP Codes 607 and 608 are not fully standardized, operationalized, or deployed, nor are they even consistently understood by stakeholders. The theoretical, on-paper appeal of establishing new dedicated codes is clear, but doing so will take substantial time and cost while also risking new complications. The better approach is to rely on SIP Code 603, already deployed and better understood by the industry, and modifying it as necessary to meet callers’ needs, which can be accomplished in a more abbreviated timeline than would be possible to finalize and responsibly deploy SIP Codes 607 and 608 across the industry.

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<sup>39</sup> TNS Comments at 4.

Respectfully submitted,

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